

TOWN OF MONSON
SPECIAL TOWN MEETING CERTIFICATION

November 14, 2016

Article 7:

The Town voted unanimously to amend the Town of Monson Zoning Bylaws, Section 7.3, by adding the following section and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

Section 7.3.11 Revocation of Special Permit

A special permit may be revoked or altered by the Special Permit Granting Authority (SPGA) if it is determined, after a public hearing, that information was intentionally misrepresented in order to obtain a special permit or that there has been an abuse and/or misuse of the special permit. Application for revocation or alteration of the special permit may be made by the Building Inspector, a party in interest or the SPGA. Such applications shall be filed with the Town Clerk. A public hearing shall be held by the SPGA within sixty-five (65) days of the filing of the application with the Town Clerk.

The SPGA shall act within ninety (90) days following the close of the public hearing. Failure by SPGA to take final action within ninety (90) days of the public hearing shall be deemed to be a denial of said application for revocation or alteration of the special permit. Revocation or alteration of special permits shall require a four-fifths vote by the Planning Board, or a unanimous vote of the members of the Board of Appeals.

Article 8:

To amend the Town of Monson Zoning Bylaws, Schedule of Use Regulations (Table 1), to allow Commercial Trucking in the Central Commercial, General Commercial, and Industrial Zoning Districts by Special Permit with Site Plan Approval and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

An amendment was made by Craig Levesque to read as follows:

To amend Article 8 to add a definition to Section 1.7 to the Monson Zoning Bylaw:

Commercial Trucking: Garaging, outside parking, storage and accessory light maintenance and cleaning of three (3) or more vehicles with a gross combination weight greater than 26,000 pounds.

The Town voted unanimously in favor of the amendment.

The Town voted unanimously in favor of the main motion and therefore Article 8 passed unanimously.

Article 9:

To amend the Town of Monson Zoning Bylaws, Section 6.2.24(2)(c)(11) to change points of measurement from each property line to structure, and to allow a reduction in distance requirements under certain circumstances with a specific finding by the Monson Planning Board by adding the following section and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

An amendment was made by Evan Brassard to read as follows:

1. The distance requirements set forth in Section 6.24(2)(c)(ii) may be waived by the Site Plan Review Authority upon a specific Finding that the above-listed uses or structures will be sufficiently buffered or separated from the proposed RMD or OMMD facility such that occupants of the above-listed facilities will not be adversely impacted by the operation of the RMD or OMMD facility.

(a) If the RMD or OMMD facility requires a waiver contemplated in Section 6.24(2)(c)(ii)(1) above, the applicant shall file a written request for the waiver with the Planning Board as the Site Plan Review Authority simultaneously with its application for Site Plan Review. The Planning Board shall be required to make a specific Finding with regard to the application for such reduction prior to hearing the Application for Site Plan Review. The Planning Board shall be authorized to hear the application for reduction at the same public hearing as the Application for Site Plan Review.

A hand count vote was ordered by the Moderator:

Yes 94

No 4

Hand count motion for Article 9 passed.

Article 12:

The Town voted unanimously to authorize the Board of Selectmen to negotiate and enter into and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Board of Selectmen with ZPT Energy Solutions, in accordance with M.G.L. c. 59, §38H and M.G.L. c. 164, §1, or any other enabling authority for the planned solar electric generating facilities to be located within the Town of Monson at the property known as 53 Wilbraham Road and if necessary, further authorize the Board of Assessors to approve the agreement and to authorize the Board of Selectmen to take any and all actions and execute any and all documents or instruments necessary or convenient to accomplish, implement and administer the PILOT Agreement and to submit a Special Act therefore to the General Court if enabling legislation is necessary.

Article 13:

The Town voted unanimously to ratify, confirm and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Board of Selectmen with Monson Solar, LLC, in accordance with M.G.L. c. 59, §38H and M.G.L. c. 164, §1, or any other enabling authority for the planned solar electric generating facilities to be located within the Town of Monson at the property located off East Hill Road consisting of approximately 13.5 acres of a 100 acre parcel of land and if necessary, further authorize the Board of Assessors to approve the agreement and to authorize the Board of Selectmen to take any and all actions and execute any and all documents or instruments necessary or convenient to accomplish, implement and administer the PILOT Agreement and to submit a Special Act therefore to the General Court if enabling legislation is necessary.

Article 14:

The Town voted unanimously to accept Massachusetts General Law Chapter 59 Section 5 Clause 18A Temporary Financial Hardship Property Deferral which provides as follows:

“Eighteenth A, Real property, to an amount determined as hereinafter provided, of a person who by reason of poverty, or financial hardship resulting from a change to active military status, not including initial enlistment is in the judgment of the assessors unable to contribute fully toward the public charges and which property is owned and occupied by him as his domicile or owns the same jointly with a spouse or jointly or as a tenant in common with a person not a spouse and is occupied by him as his domicile provided, that such person has been domiciled in the commonwealth for the preceding 10 years.

Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors may grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The agreement shall provide:-

- (1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 8 per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, not later than the beginning of the fiscal year to which the tax relates;

- (2) that the total amount of such taxes due, plus interest, thereon, does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;
- (3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee in a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of clause (2);
- (4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and
- (5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement; and
- (6) that the tax deferral and recovery agreement shall not exceed 3 tax years, that the total amount of the taxes due, plus interest, shall be paid in 5 equal payments over a 5-year period, and that the first payment shall be due 2 years after the last day of the tax deferral.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this chapter, plus interest as provided hereinafter.

A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective

with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred."

Article 15:

The Town voted unanimously to accept Massachusetts General Law Chapter 59 Section 5 Clause 41A which provides as follows:

"Forty-first A, Real property, to an amount determined as hereinafter provided, of a person sixty-five years of age or over and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is sixty-five years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the commonwealth for the preceding ten years and

- (1) has so owned and occupied as his domicile such real property or other real property in the commonwealth for five years; or
- (2) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth as his or her domicile for five years and who otherwise qualifies under this clause; and provided further that such person, and such person and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty thousand dollars. Any city or town may also, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of this section; provided, however, that such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of

subsection (k) of section 6 of chapter 62, for a single person who is not a head of household.

In determining the total period ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly. In computing the gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary business expenses and losses may be deducted but not personal and family expenses.

Any such person may, on or before December fifteenth of each year to which the tax relates or within three months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said board of assessors on behalf of the city or town. The said agreement shall provide:

- (1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of eight per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates;
- (2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty per cent of the owner's proportional share of the full and fair cash value of such real property;
- (3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise

have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the fifty per cent requirement of subparagraph (2);

- (4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and
- (5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred.

Article 16:

The town voted unanimously to accept Massachusetts General Law Chapter 59 Section 5K, as amended which authorizes the Board of Selectmen to establish a program in accordance with said law, entitled "Senior Tax Work Off Program" to allow persons over the age of 60 to volunteer to provide services to the town and in exchange for such volunteer services the town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills in

an amount not to exceed \$1,500.00 in any tax year and further that said program shall be available in FY17.

Article 17:

The Town voted unanimously to accept General Law Chapter 59 Section 5N, as amended which authorizes the Board of Selectmen to establish a program in accordance with said law, entitled "Veteran Tax Work Off Program" to allow veterans, as defined in clause Forty-third section 7 of chapter 4 or a spouse of a veteran in the case where a veteran is deceased or has a service connected disability to volunteer to provide services to such the town and in exchange for such volunteer services the town shall reduce the real property tax obligations of such person on his tax bills in an amount not to exceed \$1,000.00 in any tax year and further that said program shall be available in FY17. The reduction of the real property tax bill not to exceed \$1,000 in a given tax year.

I, hereby certify that the Special Town Meeting was duly called and held and the warrant was properly posted. The meeting convened at 7:00 pm and upon completion of the articles, the meeting was dissolved at 8:21 pm.

A true copy: ATTEST

A handwritten signature in cursive script, appearing to read "Mary F. Watson".

Mary F. Watson
Monson Town Clerk

Article	Total Appropriation	From Tax Levy	From Free Cash	Transfer From Other Available Funds	Offset Enterprise Funds & CPA	Free Cash to Reduce Tax Rate	Borrowing
26	Ambulance EMT Part-Time Salary Acct.	\$774.00		\$774.00	(Ambulance Reserved Receipts Account)		
27	Ambulance Vehicle Maintenance Acct.	\$5,000.00		\$5,000.00	(Ambulance Reserved Receipts Acct.)		
28	Park Road resurfacing (Amendment made by Evan Brassard)	\$35,000.00	\$35,000.00				
29	110 Main St. Construction Debt. Service	\$ (320,988.00)	\$ (320,988.00)				
30	110 Main St. Construction Debt. Service	\$32,800.00	\$32,800.00				
31	Middle School Construction Debt.	\$ (53,856.25)	\$ (53,856.25)				
32	Council on Aging Salaries Acct.	\$5,000.00	\$5,000.00				
	Total	(\$36,969.25)	\$119,500.00	\$43,730.00	\$ 102,350.00		
I hereby certify that the Special Town Meeting held at the Granite Valley Middle School on November 14, 2016 was held in compliance with the bylaws and that the warrant was properly posted. The meeting convened at 7:00 pm and upon completion of the articles, the meeting dissolved at 8:21 pm.							
A true copy: Attest							
Mary F. Watson							
Town Clerk, Monson							